

**REMARKS**

The Final Office Action mailed September 8, 2005 has been carefully considered. Claims 1, 21-22 and 44 have been amended. Claims 1, 3-23, and 35-44 are pending.

Applicants and Applicants' attorney thank the Examiner for the courtesies extended during a recent interview.

Claims 1, 3-7, 11-17, 20-23, 35-40 and 42-44 were rejected under 35 U.S.C. § 103 as obvious in view of U.S. Patent No. 5,440,961 to Lucas, Jr. et al. Applicants submit that the teachings of this reference do not teach or suggest the invention defined by the present claims.

In contrast to the invention defined by the present claims, Lucas, Jr. et al. do not teach or suggest that a film cutter apparatus includes a material to provide cling properties to plastic wrap received over the rail for attracting the plastic wrap to the rail. To the contrary, Lucas, Jr. et al. teach the use of non-slip surface to provide a sufficiently high friction surface to adhere the film to the cutting guide during cutting thereof and tension the film (col. 2, lines 8-9). Applicants submit that it is known to one of ordinary skill in the art that cling properties provide a cohesive chemical bond which differs from an adhesive bond produced by tackifiers. As described in U.S. Patent No. 5,273,809, submitted herewith in the enclosed PTO form 1449, films possessing a cling property are known in the art and differ from overwrap films employing tack sealing, adhesive tape and spray adhesives. Similarly, the invention defined by the present claims teaches a rail providing cohesive cling properties which differs from a rail providing adhesive properties as taught by Lucas, Jr. et al. Applicants submit that the cling properties of the present invention provide improved cling of the plastic wrap to the rail. In contrast, the use of a tackifier or adhesive has the disadvantage that the tackifiers or adhesives are removed from the rail during use and over a short period of time the reduction in tackifiers or adhesives cause the film to no longer adhere to the rail.

Furthermore, there is no teaching or suggestion in Lucas, Jr. et al. to provide rails formed of a material to provide cling properties to the plastic wrap. Instead, Lucas, Jr. et al. teach away from the present invention by teaching the film may be aluminum foil

which Applicants submit that one of ordinary skill in the art would understand cannot be held by a cohesive cling property to a rail because a cohesive bond cannot be formed between aluminum foil and a rail (see col. 3, lines 20-24). Further, as noted by the Examiner, Lucas, Jr. et al. do not teach or suggest that a rail is selected from plastic, rubber, vinyl, acrylic, polyvinyl chloride comprising at least 10% plasticizer, silicon elastimer and combinations thereof, as defined by the present claims. Applicants submit that in the present invention the materials of the rail are selected to provide a cling property to plastic wrap received over the rail, not for providing durability as suggested by the Examiner. There is no teaching, suggestion or motivation in Lucas, Jr. et al. to select materials for forming a rail having cling properties to plastic wrap received over the rail because Lucas, Jr. et al. teach the use of the application of a friction based tape or coating to the guide and it is only in hindsight that the Examiner can suggest that it would be obvious to select the materials of the present claims. Further, Lucas, Jr. et al. teach the use of an O-ring to provide resilient engagement of the film material with the cutter.

Further, with regard to claim 3, Lucas, Jr. et al. do not teach or suggest the material of the rail has a hardness in the Shore A range. With regard to claim 4, Lucas, Jr. et al. do not teach or suggest that the material of the rail is non-porous. With regard to claim 5, Lucas, Jr. et al. do not teach or suggest that the material of the rail is smooth to optimize molecular bonding. Rather, Lucas, Jr. et al. teach away from the present invention by teaching a non-slip surface to provide a sufficiently high friction surface.

With regard to claim 7, there is no teaching or suggestion in Lucas, Jr. et al. of a rail base formed of a coextruded first material which provides cling properties to plastic wrap and a second material of rigid PVC.

With regard to claim 12, Lucas, Jr. et al. do not teach or suggest that a bottom edge of an upper portion of a blade housing protrudes on either end from the blade and an end surface of the upper portion of the blade housing being rounded and inclined upwardly and from either end of the bottom edge. Rather, Lucas, Jr. et al. disclose a rotary blade cutter having a housing of a circular shape for enclosing the star shaped

cutter. As described on page 6, lines 12-17, the sled shaped runner of the present invention acts in conjunction with the rails to keep the film from bunching up.

Accordingly, the invention defined by the present claims is not obvious in view of Lucas, Jr. et al. and withdrawal of this rejection is respectfully requested.

Dependent claim 18 and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lucas, Jr. et al. in view of U.S. Patent No. 3,277,760 to Keene et al.

Keene et al. teach an apparatus for severing a web. The lower portion of a shuttle is an elongated cylindrical member which may be tapered at either terminal portion to engage insert 46. Means are used to hold the film adjacent to surface 14. (Col. 2, lines 34-37).

In contrast to the invention defined by the present claims, Keene et al. do not teach or suggest at least one rail being formed of a material providing cling properties to the plastic wrap received over the rail for attracting the plastic wrap to the rail. To the contrary, Keene et al. use means such as rollers to hold the plastic wrap down. Accordingly, Keene et al. do not cure the deficiencies of Lucas, Jr. et al. noted above since neither reference teaches or suggests a film cutter apparatus comprising rails including a material to provide cling properties to plastic wrap received over the rail for attracting the plastic wrap to the rail.

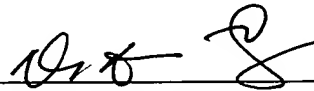
Applicants direct the Examiner to Applicants' remarks regarding the 35 U.S.C. § 103(a) of independent claim 1 upon which claims 18 and 19 are dependent from. Upon finding the allowance of independent claim 1, the rejection with respect to dependent claims 18 and 19 should be obviated and Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection upon finding claim 1 allowable.

In view of the remarks and the amendments, further and favorable consideration of the present application and the allowance of all pending claims are respectfully requested. The Examiner is also invited to contact the undersigned should the Examiner believe that such contact would expedite prosecution of the present application.

It is believed that no fee is required in connection with the filing of the present Amendment. However, if any fee is required, the Commissioner is authorized to charge any such fees or credit any overpayment to Deposit Account No. 13-2165.

Respectfully submitted,

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Diane Dunn McKay  
Reg. No. 34,586  
Attorney for Applicant

MATHEWS, SHEPHERD, McKAY & BRUNEAU, P.A.  
100 Thanet Circle, Suite 306  
Princeton, NJ 08540  
Tel: 609 924 8555  
Fax: 609 924 3036